

Remarks

Claim 5 is cancelled and claims 1 and 10 to 12 are amended. Claims 1 to 4 and 6 to 12 are pending in this application of which claims 1 and 10 to 12 are in independent form.

Claims 1 and 10 to 12 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth on page 2 of the action.

Claims 1 and 10 to 12 are all amended herein to incorporate therein the subject matter of cancelled claim 5. Accordingly, the phrase "determining an arrival probability (PCOL)" should now no longer be vague and indefinite. Also, claims 10 to 12 are further amended to provide proper claimed formats so that these claims should be acceptable.

Claim 1 is concerned with determining a target region disposed ahead of the vehicle and to output an operating recommendation to the driver with this operating recommendation being dependent upon the determination. A probability of arrival at the target region (arrival probability) can be determined and the operating recommendation is then outputted to the driver when the arrival probability at least reaches a first limit value. The arrival probability is then be determined when the time, which would be necessary for reaching the target region at undiminished speed, is at most equal to a third limit value and/or when the distance of the motor vehicle to the target region is at most equal to a fourth limit value as set forth in amended claim 1 with the clause:

"determining an arrival probability (PCOL) at said target region (TR) when the time (TTC), which would be necessary for reaching said target region (TR) at undiminished speed, is at most equal to a third limit value (T2) and/or when the distance (DS) of said motor vehicle to said target region (TR) is at most equal to a fourth limit value (S2);"

The applicant views the closest state of the art as being United States Patent 6,789,015 (Tsuji et al). This cited reference discloses a system for monitoring the environment of the motor vehicle. A collision probability between an object outside of the vehicle and the vehicle itself is determined and the driver is warned thereof in dependence thereon. A determination is made as to whether a significant probability is present of the vehicle colliding with the object. This probability is dependent upon the speed of the vehicle and the distance between the object and the vehicle as well as that the relative speed between the object and the vehicle lies in the vicinity of the travelling speed of the vehicle.

The feature of the applicant's invention which was deemed to be unclear in the action is therefore already known from the state of the art as taught by Tsuji et al so that it should not be necessary to explain this feature in greater detail in applicant's independent claims.

The applicant submits that the objection raised in the action with respect to the applicant's independent claims should now be overcome in view of Tsuji et al.

Applicant adds that the subject matter of claim 1 viewed as a whole is not anticipated or made obvious by Tsuji et al. More

specifically, our person of ordinary skill could not hit upon the idea from Tsuji et al that the arrival probability is only then determined when the time, which would be necessary for reaching the target region at undiminished speed, is at most equal to a third limit value and/or when the distance of the motor vehicle to the target region is at most equal to a fourth limit value. Stated otherwise, our person of ordinary skill could not determine from Tsuji et al that the collision probability is only determined under specific conditions. With this feature of claim 1, the advantage is however afforded that even when there is an arrival probability of 100% in a target region, this arrival probability is only then determined and leads to an operating recommendation to the driver when there is a need for the driver to act, that is, the vehicle is adequately close to the target region. Otherwise, the situation could occur that, for example, an arrival probability of 100% for reaching an intersection is determined as a target region even though the vehicle is still a kilometer from the intersection. An operating recommendation to, for example, reduce the speed would, however, not, as a rule, be taken seriously by the driver one kilometer away from the intersection, that is, when the driver can perhaps not even perceive the intersection.

In view of the foregoing, the applicant respectfully submits that his invention is not anticipated or made obvious by Tsuji et al which the applicant considers the closest prior art to his invention.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Walter Ottesen', written in a cursive style.

Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

Date: October 2, 2006